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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,134	03/12/2004	Ulf Schipper	A 91 937/Ir	7896

7590 08/11/2005

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EXAMINER

PHAN, HAU VAN

ART UNIT	PAPER NUMBER
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3618

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/799,134

Applicant(s)

SCHIPPER, ULF

Examiner

Hau V Phan

Art Unit

3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 11-15 is/are rejected.
- 7) ☒ Claim(s) 3-10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Acknowledgment

1. The amendment filed on 5/19/2005 has been entered.
2. The indicated allowability of claim 13 is withdrawn in view of the newly discovered reference(s) to Rettenweber et al. (6,637,423). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1-2 and 11-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Rettenweber et al. (6,637,423).**

Rettenweber et al. in figures 1-2, disclose a guide cart for an implement, comprising a frame (3) having an upright section and a base section essentially perpendicular from the upright section on which frame are disposed at least two wheels (7) contacting a surface. Rettenweber et al. also disclose a first strut (4) disposed on the base section of the frame on which is disposed at least one wheel (6) contacting a surface, wherein the first strut is rotatably mounted on the base section at a pivot point (5) of the frame. Rettenweber et al. further disclose a second strut, wherein

for a mounting of the second strut on the frame at least two spaced-apart mounting points (8,10) are provided.

Regarding claim 2, Rettenweber et al. disclose the at least two mounting points, which are disposed on the second strut.

Regarding claim 11, Rettenweber et al. disclose the frame, which is provided with a guide rod on an end of which that faces the wheels is disposed a frame section that extends approximately at right angles to the guide rod (as show in figure 1), and wherein the first and second struts are mounted on the frame section.

Regarding claim 12, Rettenweber et al. disclose the second strut, which is rotatably mounted on the first strut at a pivot point (8).

Regarding claim 14, Rettenweber et al. disclose a front wheel (6) and two rear wheels (7), wherein the front wheel is held by the first and second struts.

Regarding claim 15, Rettenweber et al. in figures 1-2, disclose a guide cart for an implement comprising a frame on which are disposed at least three wheels, and a first strut (4) and a second strut (9) for effecting mounting of at least one of the wheels on the frame. Wherein the first strut is rotatably mounted on the frame, and wherein the second strut is rotatably mounted on the first strut, and wherein for a mounting of the second strut on the frame at least two spaced-apart mounting points (8, 10) are provided. The first strut is formed by a plate, wherein one of the wheels is mounted in a first corner of the plate, wherein a second corner of the plate is rotatably mounted on the frame at a pivot point (5), and wherein the second strut is rotatably mounted in a third corner of the plate (point 8, can be considered a third corner).

Allowable Subject Matter

5. Claims 3-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nylin discloses a attachment for hand trucks, Hooz et al. disclose an additional wheel attachment for two wheel hand truck, Misawa discloses a hand truck, Jaensch et al. disclose a fixing device for fixing a tool.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hau V Phan whose telephone number is 703-308-2084. The examiner can normally be reached on 7:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christ Ellis can be reached on 703-308-2560. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hau Phan
6/8/05

Hau V Phan
Examiner
Art Unit 3618